

## **REMARKS**

In the above-mentioned final office action, all of the pending claims, claims 1, 3-20, 22-32, and 36-37 were rejected under Section 103(a), over the combination of Park and Ue.

With respect to the rejection of independent claim 17, the Examiner relied upon Park for showing all of the recited features of the claim but acknowledged that Park fails to disclose evaluation of a signal to noise ratio. The Examiner cited Ue for showing evaluation of a signal to noise ratio and for setting of the transmit power in the base station based upon the information about the received signal to noise ratio. Claim 1 was rejected for reasons corresponding to the rejection of claim 17. And claims 36 and 37 were analogously rejected.

Responsive to the rejection of the claims, the independent claims, claims 1, 17, 36, and 37 have been amended in manners believed to distinguish better the invention of the present application over the cited combination of references. With respect to claim 1, the claim has been amended now to recite that the signal sent from the mobile device during the step of sending contains information about the received signal to noise ratio and further a desired signal component value desired by the mobile device. And, the transmit power set during the operation of setting is recited to be based upon the signal to noise ratio information and the desired signal component value. That is to say, the mobile device reports a desired signal component value desired by the mobile device along with information about the received signal to noise ratio. Support for this amended recitation is found, for instance, in paragraphs 28 to 31 of the application. Claims 17, 36, and 37 have been analogously amended.

The applicant asserts that the independent claims, as now amended, are distinguishable over the combination of references used against the claims.

Park appears to disclose a device and method for controlling initial transmission power of a forward link channel in a mobile communication system. Page 14, line 19 of Park describes how the initial forward link transmission power is determined. Equation 3 indicates that the initial transmission power is determined based upon the pilot transmission power plus the  $(E_b/N_t)_{\text{required}}$  minus the  $(E_b/N_t)_{\text{pilot\_rx}}$ . The  $(E_b/N_t)_{\text{required}}$  is described at line 13 as the required link for a forward link channel.

Also, at page 14, lines 3-11, Park specifies that the mobile device provides the  $(E_b/N_t)$  pilot rx and transmits this to the basestation. The basestation then utilizes the  $(E_b/N_t)$ \_required and the  $(E_b/N_t)$ \_pilot\_rx to determine the initial transmission power.

Ue appears to disclose a device and method for controlling transmission rate. In a first embodiment, as described in column 4, line 7 to column 5, line 10, Ue discloses that the transmission rate is varied based on a received signal strength, desired signal reception power, signal to interference ratio, and signal to interference plus noise ratio. In a second embodiment, as described in column 8, line 6 to column 10, line 41, Ue discloses that the transmission rate is varied based on the received transmission power seen at the mobile device.

Neither Park nor Ue disclose a mobile device that reports both a signal to noise ratio and a desired signal component value to a base station in order to allow the base station to set the forward link signal strength. Paragraph 28 of the present application states that this permits different manufacturers, or even different devices made by the same manufacturer, to utilize different signal processing algorithms and to insure that the signal strength is sufficient.

Analogously-amended claims 17, 36, and 37 are believed to be distinguishable over the combination of references for the same reasons.

As the remaining dependent claims include all of the limitations of their respective parent claims, the dependent claims are believed to be distinguishable over the combination of references for the same reasons as those given with respect to their respective parent claims. Specific note is further made with respect to claims 11 and 29. The applicant further asserts that Park and Ue also further fail to disclose that a desired signal component value can be selected based on a higher value between a predetermined value at the base station and the value at the base station and the value received from the mobile device, all as recited in claims 11 and 29.

In light of the foregoing, therefore, independent claims 1, 17, 36, and 37, as now-presented, and the remaining ones of the dependent claims depending thereon are in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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